vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1424 OF 2005
IN
SUIT NO.631 OF 2003

Ashok Kumar Dwivedi & Ors. ... Plaintiffs

V/s.

Shanil Builders & Ors. ... Defendants

Mr.S.V. Chavan i/b Utangale & Co. for Plaintiffs
Mr.S.A. Sawant for Defendant No.4
Mr.H.C. Pimple with R.Y. Sirsikar for BMC
Mr.H.I. Patel, Representative of Court Receiver-present

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **NOVEMBER 16, 2005**

P.C.:

. Mr.Sawant, appearing for the Applicant, i.e., Defendant No.4 in the suit seeks to delete Defendant Nos.1, 2 and 3 from the Chamber Summons. The Chamber Summons is directed against Defendant Nos.1, 2 and 3 as well. However, the applicant does not wish to direct the Chamber Summons against Defendant Nos.1, 2 and 3 and, therefore, they are deleted.

2. Consent terms were signed between the parties i.e., the plaintiffs and Defendant Nos.4 to 10. Under these consent terms, certain monies were to be which

were deposited with the Court Receiver by Defendant No.4 to Defendant No.10 for purchase of T.D.R. Accordingly Defendant Nos.4 to 10 have deposited the amount. TDR is to be purchased from M/s.Godrej Boyce Manufacturing Company Limited. It is therefore, prayed in the Chamber Summons that the Court Receiver be directed to release the amount of Rs.15 lacs deposited by Defendant Nos.4 to 10 in favour of the seller of the T.D.R. i.e., M/s.Godrej Boyce Manufacturing Co. Ltd. as mentioned in clause 19 of the minutes of the order dated 6.5.2004.

3. The Plaintiffs have no objection to the prayers in the Chamber Summons being granted.

4. According to Mr.Sawant, the amount of Rs.15 lacs which was supposed to be paid by the defendants through the Court Receiver to M/s.Godrej Boyce Manufacturing Co. Ltd. has already been paid by them as the deal was to be closed on or before 15.11.2005. The Court Receiver will therefore ascertain the same and on examining the receipt of M/s.Godrej Boyce Manufacturing Co. Ltd. for the amount of Rs.15 lacs will release the amount of Rs.15 lacs to Defendant No.4, who holds the power of attorney for Defendant Nos.5 to 10. All the formalities will be completed in two weeks.

5. Chamber Summons is disposed off accordingly.